

S/N 10/663,153

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Feldman et al.	Examiner:	A. Noguerola
Serial No.:	10/663,153	Group Art Unit:	3729
Filed:	September 15, 2003	Docket No.:	12008.32USC7
		Confirmation No.:	2148
Title:	SMALL VOLUME IN VITRO ANALYTE SENSOR		

Filed EFS-WEB

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(b))**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner.

This statement should be considered because it is submitted after the mailing date of a first Office Action on-the-merits or a first Office Action after filing a Request for Continued Examination under 37 C.F.R. § 1.114 or a CPA under 37 C.F.R. § 1.53(d), but before the mailing date of: i) a final action under 37 C.F.R. § 1.113; ii) a Notice of Allowance under 37 C.F.R. § 1.311; or iii) an action that otherwise closes prosecution on the application. Enclosed is payment in the amount of \$180 under 37 C.F.R. § 1.17(p) for consideration of the items listed on the enclosed Form 1449.

A copy of any foreign patent document or "Other Document" listed on the Form 1449 is enclosed, in accordance with 37 C.F.R. § 1.98(a)(2). Because this application was filed after June 30, 2003, copies of the U.S. Patents and U.S. patent publications listed on the enclosed Form 1449 are not provided.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a

reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

This patent application is of a family that has a parent patent (i.e., U.S. Patent No. 6,592,745) currently involved in litigation: UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION, Case No. C-05-3117, THERASENSE, INC. and ABBOTT LABORATORIES vs. ROCHE DIAGNOSTICS CORP. and BAYER HEALTHCARE LLC.

Both Defendants, Roche and Bayer, have asserted that the '745 patent is invalid, and both Defendants have presented Invalidity Contentions. This Information Disclosure Statement brings these contentions and the references relied upon to the Patent Office's attention.

Listed on the Form 1449 are the two Invalidity Contention documents which include all the references relied upon. Also, separately listed on the Form 1449 are those references relied upon which have previously not been cited in this application.

The Patent Office is invited to contact the undersigned if there are any questions.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

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Date: Oct 25, 2007

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<b>FORM 1449*</b> <b>INFORMATION DISCLOSURE STATEMENT</b>  <b>IN AN APPLICATION</b> (Use several sheets if necessary)	Docket Number: 12008.32USC7	Application Number: 10/663,153
	Applicant: Feldman et al.	
	Filing Date: 09/15/2003	Group Art Unit: 3729

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
	2003/0155237	08/2003	Surridge et al.				
	2003/0116447	06/2003	Surridge et al.				
	2004/0031682	02/2004	Wilsey				
	3,506,544	04/1970	Silverman et al.				
	4,133,735	01/1979	Afromowitz et al.				
	4,216,245	08/1980	Johnson				
	4,225,410	09/1980	Pace				
	4,388,166	06/1993	Suzuki et al.				
	6,103,033	08/2000	Say et al.				
	6,134,461	10/2000	Say et al.				
	6,764,581	07/2004	Forrow et al.				
FOREIGN PATENT DOCUMENTS							
	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	1 318 815	08/1973	GB				
	WO 95/28634	10/1995	PCT				
	WO 97/18465	05/1997	PCT				
	10-2874	01/1998	JP			X	

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)		
		Roche's Final Invalidity Contentions of '745 and '551 Patents as of 6/18/07, and references
		Bayer's Invalidity Contentions of '745 and '551 Patents as of 6/18/07, and references
		Bard and Faulkner, "Electrochemical Methods: Fundamentals and Applications", pp. 2-3, 23-24 (1980)
		Bowyer et al., "Electrochemical Measurements in Submicroliter Volumes", <i>Analytical Chemistry</i> , 64, pp. 459-462

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.	

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	Applicant: Feldman et al.	
	Filing Date: 09/15/2003	Group Art Unit: 3729

		(1992)
		Caglar and Wnek, "Glucose-Sensitive Polyphyrrole/poly (Styrenesulfonate) Films Containing Co-Immobilized Glucose Oxidase and (Ferrocenylmethyl) Trimethylammonium Bromide," <i>J. of Macromolecular Sc. - Pure Appl. Chem.</i> , A32(2), pp. 349-359 (1995)
		Darahazi and Tokuda, "Cyclic voltammetry for reversible redox-electrode reactions I thin-layer cells with closely separated working an auxiliary electrodes of the same size", <i>J. Electroanal. Chem.</i> , 264, p.77-89, (1989)
		Liu and Neuman, "Fabrication of Miniature PO2 and pH Sensors Using Microelectronic Techniques", <i>Diabetes Care</i> , Vol. 5, No. 3, pp. 275-276 (May-June 1982)
		Liu et al., "Miniature Multiple Cathode Dissolved Oxygen Sensor for Marine Science Applications", <i>Marine Technology "The Decade of Oceans"</i> pp. 468-472 (1980)
		McDuffie et al., "Twin Electrode Thin Layer Electrochemistry: Determination of Chemical Reaction Rates by Decay of Steady-State Current", <i>Analytical Chemistry</i> , Vol. 38, No. 7, pp. 883-890 (June 1966)
		Niwa et al., "Highly Sensitive Small Volume Voltammetry of Reversible Redox Species with and IDA Electrochemical Cell and its Application to Selective Detection of Catecholamine", <i>Sensors and Actuators B</i> , 13-14, pp. 558-560 (1993)
		Reilley, "Electrochemistry Using Thin-Layer Cells", <i>Rev. Pure and Appl. Chem.</i> , <b>18</b> , pp. 137-151 (1968)
		Turner, "Research: A new approach to blood glucose tests", <i>Balance</i> , (August 1983)
		Wingard, "Immobilized enzyme electrode for glucose determination for the artificial pancreas", <i>Federation Proceedings from symposiums for Drugs and Enzymes Attached to Solid Supports</i> , pp 288-291 (1983)
		Woodard and Reilley, <i>Comprehensive Treatise of Electrochemistry</i> , Chapter 6 "Thin Layer Cell Techniques", pp. 353-392 (1984)

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PATENT TRADEMARK OFFICE

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